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Introduction

Abstract

The Introduction presents the rationale, the research questions and the hypotheses of the Special Issue. While the European Parliament (EP) has unquestionably been one of the winners of the Lisbon Treaty, its empowerment has taken place while several crises – from the financial crisis to Brexit – hit the EU. Against this backdrop, it sets the scene for the questions that will guide the various articles of the Special Issue: to what extent has the EP effectively used the new powers conferred to it by the Lisbon Treaty? What conditions have favoured or limited its capacity to shape policies? In testing times for integration, the EP often struggles to translate its institutional powers into policy influence. The articles in this collection show that this is more likely to happen when issues are close to the sovereignty of the member states, and when decisions generate well-identifiable costs at the national level.

Keywords: Core state powers; Crises; Empowerment; EU decision-making; European Parliament; Influence.

The European Parliament post-Lisbon. Power without influence?

Since 2009, the institutional development of the European Union (EU) has been marked by some fundamental tensions. A key one has concerned the European Parliament (EP). On the one hand, the Treaty of Lisbon has further empowered the EP, by rebranding codecision as the Ordinary Legislative Procedure (OLP), extending the legislative powers of the EU's only directly elected institution to new policy areas, and strengthening its role in the EU budgetary procedure and in the approval of international treaties (Héritier et al. 2015). In addition, the decision-making powers of the EP encroached into policy-areas, such as immigration and national budgetary policy, that do not simply belong to the member states, but define their very nature as sovereign states. The transformation of the EP into a legislative powerhouse, and into an equal and fully-fledged legislator with the EU Council (hereafter: Council), could be considered almost complete post-Lisbon.

On the other hand, the different crises that hit the EU in the very same period when the Treaty of Lisbon was implemented – from the financial and economic to the migration crisis and Brexit (cf. Falkner 2016) – have arguably made the EU more intergovernmental and politicised. According to one interpretation, the institutionalisation and activism of the European Council, together with the stipulation of international treaties outside the EU framework (e.g. the 'Fiscal Compact'), have led to the consolidation of a "new intergovernmental Union" with a lesser role for the supranational institutions (Bickerton et al. 2015; Fabbrini and Puetter 2016). In the meanwhile, the surge of support for Eurosceptic and challenger parties, growing centre-periphery tensions, sluggish economic performance and the contestation of the Union by the national publics definitely ended the era of "permissive consensus". The new "constraining dissensus" (Hooghe and Marks 2009) called into question the actions and legitimacy of the Brussels-based policy-making system and institutions.

This Special Issue endeavours to thoroughly address this tension. Ten-years after the ratification of the Lisbon Treaty, a systematic assessment of whether the EP has effectively made use of its new powers, in an impervious context characterised by intergovernmentalism and recurrent crises, is much needed. The literature has yet to provide a rigorous and comprehensive evaluation of the role of the EU's only directly elected institution in these challenging times for integration. While there are several contributions discussing the formal empowerment of the EP post-Lisbon, or the role that the EP should, or should not, have at addressing the crisis of legitimacy of the EU (e.g. Corbett et al. 2011; Maurer 2013), theory-driven, empirical contributions looking at the *actual* influence and policy impact of the EP post-Lisbon are fewer and sparse. True, the EP has been the object of intense scrutiny in the process of reforming the Economic and Monetary Union (e.g., Bressanelli and Chelotti 2018; O'Keeffe et al. 2016; Warren 2018), and of some attention in other policy areas (e.g. Trauner and Ripoll-Servent 2016 on the Area of Freedom, Security and Justice; Stavridis and Irrera 2015 on external relations). Yet, the focus has predominantly been on discrete policy areas, with little effort to develop comparisons and provide a more exhaustive understanding of the EP's role post-Lisbon.

By contrast, the focus of this Special Issue is on the influence (or lack thereof) of the EP on, and across, policy fields. Our starting point is the formal strengthening of the EP with the Treaty of Lisbon. We depart – following Robert Thomson (2011) – from a classic, Weberian definition of *power*, which is defined as the potential that a person or an institution have “to realise their own will in a social action even against the resistance of others” (Weber 2007[1914], 247). In this sense, power can be understood as a capability formally institutionalised or, in other words, as an institutional attribute allowing actors to shape outcomes despite external opposition.

We employ the concept of *influence* when power, as an institutional capability, is concretely exercised and put into practice, and policy outputs reflect the ex-ante defined policy

preferences of an actor. In this sense, we accept the advice made by Giovanni Sartori, to “avoid confusing the *resources* of power [...] with *having power*” (Sartori 2009 [1973]: 56). We restrict the use of ‘power’ to the former, while opting for the concept of ‘influence’ to capture the latter aspect.

Through the extension of OLP, the power to consent to international trade and withdrawal agreements and its enhanced role in the EU budgetary procedure – that is, with the EP’s *empowerment* – we would normally expect it to be better positioned to leave its mark on policy-making. Yet, while this claim may generally hold, we contend that (a) the changing environmental circumstances post-Lisbon and (b) the nature of the policies where the powers of the EP had been expanded by Lisbon could act as significant ‘brakes’ to its influence.

To develop the former proposition, we draw on insights from comparative politics. In the EU member states, and in democratic political systems more generally, crises tend to strengthen executive institutions and weaken legislatures (Auel and Höing 2015; in general Lodge and Wegrich 2012). In “emergency politics” there is limited, if any, space for ideological conflict, partisan divisions and extensive scrutiny by parliaments (White 2015). Given the need to take urgent and swift decisions, executives are normally better placed to decisively act. Focusing on the EU, moments of existential crisis have pushed the European Council to play a more assertive role in decision-making by providing clear guidelines and instructions for the Commission, the Council or the EP in critical times. The cases of the Six and the Two-pack – where the EP enjoyed codecision powers, but was hardly able to alter the policy substance of the packages – clearly illustrate the influential role of the Heads when the EU is severely endangered (Bressanelli and Chelotti 2016).

A different reading contends, instead, that it is the nature of the policies where the EP’s powers had been expanded post-Lisbon that may constrain its influence. The EP has traditionally had more limited success in policies that impose high economic and political costs on member

states (Shackleton 2000, 338-339). This is exactly the nature of several policy areas where the EP's powers had been augmented by Lisbon. The EP is currently asked to co-decide or give its consent to policies in areas that are close to the heart of state sovereignty, highly politicised or where national taxpayers' money is at stake. They belong to "core state powers", which are "constitutive of states in ways that other policy functions of the state [e.g. consumer or environmental protection] are not" (Genschel and Jachtenfuchs 2013, 9). In such policy areas, member states are more likely to resist and challenge the powers of the EP. At the same time, the EP may feel compelled to behave responsibly – for the 'good' of the Union, or because hard-pressed by the national leaders – and toe the line of the member states.

This collection provides a comprehensive assessment of these propositions. It focuses first on the OLP, where the institutional empowerment of the EP has traditionally been associated with its policy influence. It then moves beyond legislation, looking at a disparate set of policies where the EP has attempted to increase its institutional involvement and policy impact. In the final section, the focus is placed on inter-institutional relations and the systemic role of the EU's elected Parliament in a more intergovernmental and politicised Union.

The European Parliament and legislation. Power with influence?

Post-Lisbon, the EP's legislative powers were extended to the vast majority of policy areas. As formal modellers have traditionally argued, it is under codecision that "the Council and the Parliament [...] genuinely co-decide which policy to implement" (Crombez 1997, 115). It is under OLP that the EP has been found to 'matter' more in terms of policy influence. For instance, following its empowerment as co-legislator, the EP has built a fame as "environmental champion" (Burns 2005), shaping the agenda and pushing forward the EU's environmental policy.

Furthermore, following the Amsterdam Treaty and the possibility to conclude legislation at first reading, the institutionalisation of the tripartite meetings between the Council, the EP and the Commission known as trilogues, has triggered the development of a more cooperative relationship between the co-legislators and the Commission (on trilogues, see Reh et al. 2013). As a co-legislator, the EP has therefore been willing to engage with the other EU institutions and has shaped market regulation from the very early days (for an early assessment, see Judge et al. 1994).

True, some recent studies call into question the actual ‘parity’ between the EP and the Council under the OLP. Most notably Thomson (2011), using expert interviews to locate the EU’s institutions on the key controversies in a large number of legislative files, found that policy outcomes are closer to the *ex ante* defined preferences of the Council than those of the EP. Moreover, the fall-back option (BATNA) in case of no-agreement generally favours the Council, as the *status quo* is often closer to the national preferences of the Member States than the integrationist preferences of Parliament. Yet, Thomson’s findings have been challenged both on substantive (Koenig et al. 2007) and methodological grounds (Hix and Hoyland 2013) and, as a classic textbook on the EP puts it, “codecision has made a significant difference, going well beyond what could have been achieved under previous procedures” (Corbett et al. 2011, 246).

The Special Issue takes a more cautious perspective on the impact of the OLP. The assumption that legislative empowerment equals policy influence is subjected to careful empirical scrutiny. As the literature has seldom focused on the importance of the ‘nature’ of the policy to explain the EP’s influence, we explore in this Special Issue whether EP’s policy influence may diminish as the OLP encroaches into ‘core state powers’. We are both interested in the empirical finding (is there a difference across policies?) and in the mechanisms through which the EP does (not) influence policies.

One key factor that helps explaining the policy influence of the EP is its high degree of internal cohesion. Despite being organised in political parties, the EP has traditionally favoured a consensual approach cross-cutting party lines, particularly when an extension of the EU – and, therefore, its own – powers were at stake (Kreppel & Hix, 2003; O’Keefe et al. 2016). Yet, the changing political context in Europe, the declining support for centrist, pro-EU political groups and the institutional maturity reached by the EP should no longer let one assume that the EP will always behave cohesively in support of pro-integrationist positions. In such a context, it is likely to be more difficult for the EP to advance its institutional agenda.

The Special Issue includes three articles assessing the EP’s role in three different policy areas: economic governance, asylum policy and the environment. The former two can be categorised as ‘core state powers’, being about the surveillance of national budget and the use of national taxpayers’ money to rescue insolvent states and the control of the national borders. In both areas, the Lisbon treaty has increased the EP’s powers by extending the use of codecision. Environmental policy is, instead, a classic policy where the EP has ‘mattered’ for a long time, as codecision had already been introduced in this field by the Maastricht and Amsterdam treaties. We thus aim to evaluate whether the political dynamics in a policy area related to the internal market have remained essentially the same or have changed in the post-2009 period, as a consequence of the multiple EU-crises.

The first article written by [Paper 2] focuses on the reform of the Economic and Monetary Union. Building on a rationalist framework and distributional bargaining theories, it shows that the EP is able to expand its institutional power, but not in all circumstances. The EP has learnt how to use specific strategies, notably delaying and arena-lining, to expand its institutional leverage. Yet, through an in-depth comparative analysis of the negotiations leading to the Six-Pack and the European Stability Mechanism (ESM), the authors show that, “if the EP’s demands imply a possible or actual loss of core state powers, member states are likely to forgo

the potential gains in the linked arena” [Paper 2, X]. When national taxpayers’ money was at stake, as in the case of the ESM, the involvement of the EP was successfully resisted by the member states.

The article by [Paper 3] assesses the ‘failure’ to reform the Common European Asylum System and, particularly, the Dublin regime. It tackles an important puzzle: why did the EP, despite a high degree of internal cohesion and its ability to frame the collapse of the Schengen regime as a ‘common bad’ for the Union, fail to push for the reform of the EU’s asylum rules? The answer is found in the ‘shadow of hierarchy’. In such a sensitive policy area, the member states have frustrated any attempt to reform the policy. Divisions in the European Council have reverberated in the Council, which has generally disregarded any plea for reform coming from the EP. Triangulating original interviews and documentary evidence, the Author shows that the EP has tried to play a responsible role, but this has not sufficed to make it an influential player. Ultimately, and despite the application of the OLP and the consensus among its main political groups, its position remained subordinate to that of the member states.

Finally, [Paper 4] moves the focus onto environmental policy. It brings in the crises that hit the EU since the late 2000s and assesses their impact on legislation. Combining original qualitative and quantitative evidence, it finds that – in the rare occurrences where the EP has weakened environmental policies – the crisis has been discursively mobilised to justify its behaviour. Yet, despite less favourable structural conditions, the EP has continued to seek strengthening environmental legislation. On environmental protection, the overall picture is still very much the traditional one, where the EP (as a rather cohesive institution) tempers its ambition in order to be a more influential policy-actor.

On balance, the three articles included in this section provide robust evidence on the importance that ‘core state’ powers play as a constrain on the role and influence of the EP. Both its (further) institutional empowerment and policy influence are significantly diminished when issues are

very sensitive to the member states. If the analysis of environmental policy confirms that the EP under the OLP is normally able to shape policies, the other two case-studies suggest that, under ‘core state’ powers, the EP has both a much harder life not only to see its powers expanded, but also to use them to influence policies, even when it is not divided across party lines.

The European Parliament beyond codecision. A difficult path to influence?

The Lisbon treaty has generally upgraded the position of the EP also in non-legislative policy areas: to varying degrees and with different modalities, the EP is now involved in almost every policy of the Union (de Witte et al. 2010). This has not only further accelerated the institutionalization of the EP as a normal legislature (Roederer-Rynning and Greenwood 2017); it has also strengthened the more general process of parliamentarization of the EU political system (Heritier et al. 2015). For instance, the Lisbon treaty reformed the EU budgetary procedures in relation to the formulation of the Multiannual Financial Framework (MFF), the annual budgets and own resources. Although these changes did not always favour the EP (Benedetto 2013), the EP can now cooperate with the Commission in the proposal of the MFF, decides on all aspects of the annual budget and participates in the implementation of the own resources.

The EP has seen its role significantly strengthened in the conclusion of international agreements (Ripoll Servent 2014). Art. 218 (TFEU) establishes that the EP has to give its consent, *inter alia*, to the agreements that cover policies decided under OLP. Since codecision “now applies to 90% of internal laws, the domain of parliamentary consent to international agreements is ... more extensive than in the pre-Lisbon times” (de Witte et al. 2010, 26-27). The Parliament in 2012 refused to ratify one of them, the Anti-Counterfeiting Trade

Agreement, thus strengthening its credibility as a serious actor in this domain (Van den Putte et al. 2014). The EP has also managed to further expand its powers. It gained access to classified information held by the Council in matters related to these agreements (codified in a 2014 Interinstitutional Agreement); it has been consulted before and after rounds of talks and it has been in direct contact with the third party, for instance with the US Congress during the negotiations over the Transatlantic Trade and Investment Partnership (Jancic 2016).

The EP has made inroads also in other sectors of external relations, including the more intergovernmental field of EU foreign and defence policy. For instance, using its codecision powers, it has affected the establishment of the European External Action Service, by strengthening the gender equality and national composition of this body (Raube 2012). Even in security policy, the EP is said to informally influence the policy process, through its oversight and control powers or budgetary instruments (Riddervold and Rosén 2016).

This section of the Special Issue evaluates whether – post-Lisbon – the EP has increased its institutional power in non-legislative areas. As the Council is still more powerful in these sectors, there is still room for the EP to continue its institutionalization. Next, we move onto the issue of the EP's influence. In both cases, we are interested in the mechanisms and the (variation in) institutional/policy outcomes. The articles of this section explore three non-legislative areas: EU budget; the Brexit negotiations; and the EU development policy. If the EP has a long tradition in the making of the EU budget (although with different rules compared to the post-Lisbon period), the Brexit negotiations are a first for the EU political system. Development policy is an area of external relations where the EP, despite enjoying an array of powers, has generally been overlooked as a potentially influential actor.

[Paper 5] builds on a rational institutionalist framework and traces the EP's success and failures in EU budget negotiations over time. It argues that the Lisbon treaty has actually weakened the bargaining power of the EP. In the various post-Lisbon negotiations with the (European)

Council, the EP had to accept the member states' red lines in all the three pillars of the budget: annual expenditure, MFF and revenues. However, despite a position of relative weakness, the EP also managed to extract significant (albeit secondary) concessions, particularly with regard to flexibility and revision of the budget. These gains remain overall limited, especially when the dispute with the Council concerns financial implications for the member states. As the Author puts it, "[w]hen the Council and the EP disagree and the Council wants a lower figure, that is the outcome" [Paper 5, X].

[Paper 6] analyses the EP's role in the Brexit negotiations. The provisions of Art. 50 TEU are particularly scant for the EP, which was (only) given the power to consent on the terms of the withdrawal agreement. First, the article maps the organisational adaptation of the EP to effectively tackle the Brexit process. Second, it shows that the EP was able to increase its institutional powers and become significantly involved in the Brexit negotiations: not only did it manage to be regularly informed by the Commission; it obtained to take part in key decisions. Third, more difficult is to evaluate the EP's policy influence, not least because the EU institutions have had very similar positions throughout the process. Overall, the EP appeared to have successfully concentrated its negotiating efforts on selective issues, primarily citizens' rights.

The article by [Paper 7] offers a legal analysis of the EP's role in a less politicised area of the EU external relations – development policy. The authors demonstrate the EP's capacity to enhance its institutional involvement in this area. Regarding the mechanisms of such empowerment, the article emphasises budgetary and oversight powers and, interestingly, the recourse to the Court of Justice of the EU. Although the Authors recognise that more has to be done to demonstrate the actual policy influence of the (newly) empowered Parliament, they show the potential implications of the EP's impact on the 2021-2027 MFF and on the European Consensus on Development.

On a whole, this section confirms both the ambition and the success of the EP in strengthening its institutional powers also in non-legislative areas of the EU political system. The Council remains the primary decision-maker, but the EP constantly seeks greater institutional involvement. The EP struggles more in converting these powers into policy influence. The member states appear to be controlling the pace and scope of the negotiations, as the cases of the EU budget and Brexit suggest. The obstacles for the EP to shape the policy content of dossiers are particularly high when the member states' finances are involved.

Contesting the Union: a more challenging environment for the European Parliament?

The third section broadens the analytical view of the Special Issue. Ten years have passed since the Lisbon treaty entered into force. In this period, the EU faced a severe economic crisis in the early 2010s and a few years later an upsurge in the number of immigrants arriving into Europe. The Brexit referendum added further institutional uncertainty. These multiple crises shaped the political landscape of the EU in significant way, making the EU integration process more instable and politicised but also adding new policies and instruments to its remit (Falkner 2016). At the same time, three rounds of election were held in June 2009, May 2014 and May 2019, with the progressive rise of Eurosceptic forces across Europe and their strengthening inside the Parliament.

The three articles of this section reflect on the challenges for the EP in the post-Lisbon period, placing it within the broader context of the EU institutional system. One article analyses the changing inter-institutional relations between the EP and the EU executive institutions, by looking more particularly at the influence of the EP on the Commission's agenda-setting. Finally, the last two contributions discuss the key findings of the Special Issue against the

backdrop of the increased politicisation of EU politics and the intergovernmental challenges to the EU political system.

Despite the lack of a formal power of initiative, [Paper 8] show that the EP is able to influence the legislative agenda of the EU in indirect ways. The authors construct a new dataset of all the EP resolutions between 2000 and 2015 and analyse to what extent the demands of the EP own initiatives are then translated into policy outputs. The article reveals that the impact of EP resolutions is real and is particularly strong in areas where the EP enjoys codecision powers; when the EP demands are included in the Commission annual programmes as a priority initiative; and in the post-Lisbon period. The authors suggest that the greater success of the EP since Lisbon might be associated to the extension of the OLP in more areas.

[Paper 9] puts politics at the centre of the analysis and looks at three challenges for the Parliament: the *Spitzenkandidaten* process; the 2014 EP elections; the coming into power of far-right parties in several member state governments. The EP appears to have been more successful in increasing its institutional power than in enhancing its democratic legitimacy. It failed to alter the ‘second order’ nature of its (2014) elections; and its reaction to the authoritarian behaviour of some European governments was hesitant. The *Spitzenkandidaten* process can instead be considered another efficacious power grabbing exercise of the EP, through which it increased its institutional power within the EU political system.

Finally, using a Comparative Politics approach, [Paper 10] argues that the EP follows neither the parliamentary nor the congressional model. It argues that the EU has a dual constitutional system: a quasi-separation of powers in the supranational constitution (single market) and a confusion of powers in the intergovernmental constitution (economic governance, foreign policy, immigration). The EP’s space for manoeuvre differs in each of these different governance regimes. In the supranational constitution, the EP has institutional power and, possibly, policy influence. In the intergovernmental constitution, the EP has little institutional

power and very limited influence. The reason is that economic governance or immigration are politically salient areas for member states, which can have significant distributive effects at the national level.

Taking stock of the evidence collected in this Special Issue, a mixed and nuanced picture emerges on the systemic role of the EP. On the one hand, there are clear signs that the EP has continued its path towards ‘normalisation’. Post-Lisbon, the Parliament has used its existing powers to further increase its institutional involvement in the EMU, development policy and the Brexit process [cf. Paper 2, Paper 6 and Paper 7]. And, once again, this increase of powers has been accompanied by a responsible attitude: the EP has advanced less radical demands, showing firm commitment to reach agreements and cooperating with the Commission and the Council rather effectively [cf. Paper 3, Paper 4 and Paper 6]. These findings confirm that the EP has in place well-functioning practices that make it a successful working parliament (Lord 2018). As [Paper 8] shows, the EP also appears to influence the EU agenda through its own resolutions. In this way, the EP might have indirectly compensated for its lack of the right of initiative – a typical attribute of legislative bodies. In general, the Special Issue has also found that resolutions are an important instrument that the EP constantly relies on, not just for influencing the agenda. Several contributions [Paper 5, Paper 6 and Paper 7] illustrate how the EP uses resolutions to signal its positions and de facto negotiate with the Council.

Yet, in several other aspects the claim that the EP is a fully ‘normal’ parliament seems overstretched (cf. Brack and Costa 2018). This is not just because the EP lacks certain attributes that most national legislatures have (e.g., limited formal involvement in economic policy, absence of the right of initiative, etc.). It is also because the position of the EP in the EU political system has become difficult, as it “must find its place in a political space defined by highly mobilized national constituencies” (Roederer-Rynning and Greenwood 2017, 736). The national element is strong around – e.g. the ‘shadow’ of the European Council – as well as

inside the EP's structures – e.g. the national divisions fuelled by the member states in the EP political groups. In these circumstances, the EP often struggles to translate its institutional powers into policy influence. The articles in this collection have shown that this is more likely to happen when issues are close to the sovereignty of the member states, and when decisions generate well-identifiable costs at the national level [Paper 2, Paper 3, Paper 5, Paper 9].

The debate on the 'nature' of the EP could be qualified also in a different way. Looking comparatively at the influence of national chambers upon the domestic policy-making, we observe variation across policy areas. For instance, national legislatures are often in a subordinate position – vis-à-vis the executives – in foreign and defence policy (Raunio and Wagner 2017). Crises usually empower the executive, while the legislature (and the judiciary) are constantly side-lined. Examples abound as to the rise of the government in cases of wars, terrorist attacks and natural disasters (cf. Lodge and Wegrich 2012). We do not see why similar dynamics should not apply also to the EU level. In this respect, [Paper 10] offers a thorough conceptualization of the different role and influence of the EP within two constitutional regimes (the supranational and the intergovernmental) – which include different policy fields.

The last point we want to raise concerns how to research influence and the EP. As the EP obtains more powers and becomes a more mature legislature, the research designs should become more rigorous. They should precisely and thoroughly demonstrate where the contribution of the EP in policy-making lies. First, studies should assess the kind of changes that the EP was able to produce. Were these changes significant or were they minor in the bigger picture of the negotiations? Did they concern major or merely secondary aspects of the policy under consideration? Second, the research should be clearer about how it defines and measures influence. If the mechanisms of influences are oversight and budgetary powers, for instance, the analyses should show how regular information exchanges, written questions or controlling the purse strings have generated certain policy outcomes. Finally, we should be

able to identify the real impact of the EP. How do we know that the changes were produced by the EP? If the same policy changes are advocated by the Council or the Commission, how do we establish that the EP played a significant role? In case where the EP and other institutions worked together, their patterns of cooperation should be carefully analysed, as new ‘collective leaderships’ may have emerged (cf. Nielsen and Smeets 2018).

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